

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,

v.

DEWAYNE HOWELL,

Defendant.

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CASE NO: 7:22-CR-55-02 (WLS)

ORDER

Previously, the Court provided the Parties with notice that this case was scheduled for pretrial conference on Tuesday, October 10, 2023, at 3:00 p.m. and for trial during the Court's Valdosta November 2023 Trial Term. (Doc. 106.) In the event the case is not ready for trial, the Parties were ordered to file a motion to continue at least two days prior to the date of the noticed pretrial conference. (*Id.*)

Currently before the Court is Defendant DeWayne Howell's Unopposed Motion to Continue Trial in the Interests of Justice (Doc. 110) ("Motion"). Therein, Defense Counsel requests a continuance of the trial of this matter. Defense Counsel states he has been, and continues to be involved, in a RICO trial in the Superior Court of Dougherty County, Georgia which began September 18, 2023. Defense Counsel needs more time to review the Court's Order (Doc. 108) on the Mistake of Age Defense with his client. He also needs time to review and discuss additional discovery which Defense Counsel received on September 27, 2023. Finally, Defense Counsel needs additional time to prepare voir dire and jury charges in anticipation of the pretrial conference, nor discuss the same with the Defendant. Counsel needs additional time to review this discovery and the Court's ruling with his client. Defense Counsel represents he spoke with Government's Counsel who does not oppose the Motion. Defendant states that the ends of justice require that the trial of this matter be continued and that the Speedy Trial Act deadline be extended pursuant to 18 U.S.C. § 3161.

Based on the Defendant's stated reasons, the Court finds that the ends of justice served by granting such a continuance outweigh the best interests of the public and the Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A)-(B). Therefore, the Motion (Doc. 110) is **GRANTED**.

The Court hereby **ORDERS** that the trial in the above-referenced matter be **CONTINUED** to the Valdosta Division February 2024 trial term and its conclusion, or as may otherwise be ordered by the Court. Furthermore, it is **ORDERED** that the time lost under the Speedy Trial Act, 18 U.S.C. § 3161, be **EXCLUDED** pursuant to 18 U.S.C. § 3161(h)(7) because the Court has continued the trial in this case and finds that the failure to grant a continuance (a) would likely result in a miscarriage of justice, and (b) would deny Defense Counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

The October 10, 2023 pretrial conference as to this case is **CANCELLED**.

SO ORDERED, this 5th day of October 2023.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT